

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

AUTOMOBILI LAMBORGHINI, S.p.A., an
Italian Company,

Plaintiff,

vs.

SANGIOVESE, LLC, a Nevada Limited
Liability Company, SANGIOVESE BANQUET,
LLC, a Nevada Limited Liability Company, and
DAL TORO EXOTIC CARS LAS VEGAS,
LLC, a Nevada Limited Liability Company,

Defendants.

Case No.: 2:11-cv-1154-ECR-CWH

CONSENT INJUNCTION

**ORDER APPROVING
CONSENT INJUNCTION**

SANGIOVESE, LLC, a Nevada Limited
Liability Company, SANGIOVESE BANQUET,
LLC, a Nevada Limited Liability Company, and
DAL TORO EXOTIC CARS LAS VEGAS,
LLC, a Nevada Limited Liability Company,

Counter-Claimants,

vs.

AUTOMOBILI LAMBORGHINI, S.p.A., an
Italian Company,

Counter-Defendant.

Plaintiff/Counter-Defendant AUTOMOBILI LAMBORGHINI, S.p.A. ("Plaintiff" or "Lamborghini") and Defendants/Counter-Claimants SANGIOVESE, LLC ("Sangiovese"), SANGIOVESE BANQUET, LLC ("Sangiovese Banquet"), and DAL TORO EXOTIC CARS LAS VEGAS, LLC ("Dal Toro Exotic Cars" and, collectively "Defendants"), (Plaintiff and Defendants, collectively the "Parties"), having settled their differences in the instant action by separate Settlement Agreement, consent to entry of this Injunction

Accordingly, it is hereby **ORDERED** and **ADJUDGED** as follows:

Plaintiff registered among others, the following Marks with the United States Patent and Trademark Office ("USPTO") (collectively, "Lamborghini's Marks"), which were filed prior to the Dal Toro Mark (as defined below):

Mark	Reg. No.	Serial No.	Reg. Date
	3717346	77407553	12/1/2009
	3312082	78870133	10/16/2007
	2254847	75334329	6/22/1999
	3671571	77407493	8/25/2009
LAMBORGHINI	1622382	74019105	11/13/1990
LAMBORGHINI	3707401	77407165	11/10/2009

Defendants had registered the following Trademark with the USPTO, bearing Serial No. 77282895, filed September 18, 2007, and abandoned May 4, 2009; and has attempted to re-register the Mark with the USPTO, as Serial No. 85376658, by a filing on July 20, 2011 (collectively, the "Dal Toro Mark"):



Defendants and their officers, managers, members, principals, agents, employees, servants, successors, licensees, assigns and attorneys, and all those persons or entities in active concert or participation with or controlled by them, are permanently restrained, enjoined and forbidden from:

a) using Lamborghini's Marks, any colorable imitations thereof, or any marks confusingly similar thereto;

b) using the Dal Toro Mark, any colorable imitations thereof, or any marks confusingly similar thereto. Defendants shall take all necessary and required steps to de-register, remove, withdraw, revoke, expressly abandon and cancel of record the Dal Toro Mark (including as Serial Nos. 77282895 and 85376658) and any pending applications with the United States Patent and Trademark Office ("USPTO");

c) using any and all signage or logos bearing the Dal Toro Mark or Lamborghini's Marks, including, but not limited, in: the Dal Toro Il Ristorante Italiano, Dal Toro Exotic Car Showroom and Dal Toro Merchandise Gallery located in The Palazzo Resort Hotel and Casino located in Las Vegas, NV; the website domain www.daltoro.com; and any Dal Toro Restaurant or establishment irrespective of location, including those located in Curacao and Miami, FL;

d) future manufacture, sale, use offering, advertising or distribution of any and all items bearing the Dal Toro Mark, including but not limited to: business cards, staff shirts, merchandise, accessories, bottled water, hats, glasses, napkins, aprons and any other goods, bearing the Dal Toro Mark;

e) Defendants shall destroy any and all remaining inventory bearing the Dal Toro Mark within five (5) days hereof;

f) Defendants acknowledge that Defendants have no current affiliation, authorization, likeness, sponsorship, endorsement or relationship of any kind with Lamborghini, or any Lamborghini authorized Dealership. Defendants shall not take any actions which may tend or actually lead the trade or the public, or individual members thereof, to mistakenly believe, or that would indicate or suggest that Defendants or any of their managers or members or principals or any of its related or affiliated entities are in any way supported, affiliated, authorized, owned, operated, sponsored by, licensed or endorsed by Lamborghini or any Lamborghini authorized Dealership without Lamborghini's future express written consent. Defendants shall not develop, register, or apply for, in any jurisdiction, the Dal Toro Mark or any confusingly similar variations or any other designations confusingly similar to those held by Lamborghini, including Lamborghini's Marks;

g) manufacturing, selling, using, offering, advertising or distributing any good, service or product using any simulation, reproduction, counterfeit, copy or colorable imitation of any or all of Lamborghini's Marks;

h) Defendants shall not engage in any activity constituting unfair competition with Lamborghini, or constituting an infringement of any or all of Lamborghini's Marks, or of Lamborghini's rights in, or to use or exploit, any or all of Lamborghini's Marks or engage in any activity that deceives the public and/or the trade, including, without limitation, palming-off or the use of design elements and designations associated with, Lamborghini or Lamborghini's Marks or cause Lamborghini's Marks to be diluted;

Defendants shall not engage in instructing, assisting, aiding or abetting any other person or business entity, either directly or indirectly, in engaging in or performing any of the activities referred to in the subparagraphs above.

This Court shall retain jurisdiction over the Parties to enforce the terms of the Parties' Settlement Agreement and Defendants' compliance with this Injunction. Either party may enforce same by Motion to this Court.

IT IS SO ORDERED.



UNITED STATES DISTRICT COURT JUDGE

Dated: __ February 21, 2012 ____

cc:

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